

REMARKS/ARGUMENTS

Claims 1-6 and 8-10 are pending in the captioned application.

Applicants gratefully acknowledge the Examiner's withdrawal of the finality of the previous Office action.

The Examiner has rejected claims 1-6 and 8-10 under 35 USC 103(a) as being unpatentable over Belew et al. (WO01/37987), stating that the reference discloses a method to purify a desired substance by use of an "adsorbent that selectively adsorbs substance 1" wherein the adsorbent "has an interior part which carries a ligand structure capable of binding to substances 1 and 2 ... [and] and outer surface layer that does not adsorb substance 2 and is more easily penetrated by substance 1 than substance 2". The Examiner then goes on to note specific adsorbents disclosed.

In response, Applicants respectfully submit that the Examiner has, perhaps unconsciously, mischaracterized the Belew reference and its relevance to the instant invention. Specifically, the instant inventions recite that the ligands (anion exchange groups) are "present on external surfaces as well as pore surfaces", something neither taught nor even suggested by Belew. Indeed, Belew does not recite that ligand structures are on the outer surface of the separation medium, noting that the "interior part" (inside the pores) "carries a ligand structure which is capable of binding to both substances I and II" and "the outer surface does not substantially adsorb substance II" (page 5, lines 6-12). The outer surface is even disclosed as capable of containing structures which repel substances I and II. It is further disclosed that the outer surface functions as a molecular

size cutoff (see e.g. pp 7-8), and that the outer surface must be penetrable by the liquid sample (pg 16, lines 28-30). Thus, as Applicants previously stated in the instant application, the substances are merely sieved through the matrix.

In the instant invention, on the other hand, the ligands are on the outer and inner surfaces and the plasmids adsorb to the external surfaces of the separation matrix and the RNA to ligands present on the pore surfaces. Such would not occur with the separation medium of Belew as it specifically teaches that the outer surface does not contain ligands and does not adsorb substance II (the plasmids in this case) to the outer layer.

In view of the foregoing, Applicants respectfully assert the Examiner's rejection cannot be sustained and should be withdrawn.

Applicants respectfully request a notice of allowance for claims 1-6 and 8-10.

Early and favorable consideration is respectfully requested.

Respectfully submitted,

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